

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

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ORDER REGARDING CONFIRMATION HEARING EXHIBIT PROCEDURES

The Court has received and reviewed several parties' finalized exhibit lists, which were due by October 22, 2021, in accordance with the *Amended Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* (Docket Entry No. 18394 in Case No. 17-3283, the "Procedures Order"). The Court has also reviewed the *Unopposed Urgent Motion of the DRA Parties Requesting Modification of the Trial Procedures Order for Authorization to Upload Confirmation Hearing Exhibits to the Plan*

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Depository in Lieu of Filing Such Exhibits on the Docket (Docket Entry No. 18727 in Case No. 17-3283, the “Urgent Motion”), filed by the DRA Parties.² Each party who filed an exhibit list in compliance with the Procedures Order is hereby ORDERED to do the following to ensure accessibility of the exhibits:

1. Each party is directed to file an Amended Exhibit List using the CM/ECF Event “Motion Submitting” by **12:30 p.m. (Atlantic Standard Time) on October 27, 2021.**
2. Each party must upload each document referenced in the party’s original exhibit list as a separate attachment to its Amended Exhibit List. The Amended Exhibit List should be identical to the exhibit list filed by the party on or before October 22, 2021. For example: if “Party ABC” listed 40 exhibits in its original exhibit list, “Party ABC” should upload an identical exhibit list (as the main document) and attach the 40 separate exhibits, indicating the exhibit letter or number designation for each exhibit (e.g., FOMB Exhibit 1 or AAFAF Exhibit A). Hyperlinks may not be used in lieu of uploading an exhibit.
3. The Amended Exhibit List is intended to be a single filing (with multiple exhibits). If your Amended Exhibit List and attachments exceed the upload capacity of CM/ECF,³ you may divide your submission into multiple filings.
 - **Large Exhibits.** If a single exhibit is too large to file, parties will need to split the exhibit into separate attachments. In this scenario, the party assigns each part of the exhibit **the same exhibit letter or number**, and types in the text field “Part 1 of [Total Number]”. Parties **must** select the same exhibit letter or number to indicate to the Court that an uploaded exhibit is continued in the next attachment. For example, if “Party ABC” needs to divide Exhibit C into 3 attachments due to its size, “Party ABC” will upload and designate the exhibit as follows: Exhibit C: “Part 1 of 3”, the next attachment as Exhibit C “Part 2 of 3”, and the final attachment as Exhibit C “Part 3 of 3”. The next attachment will then proceed to Exhibit D.
 - **Multiple Filings.** If a group of exhibits reaches the 20MB capacity for a single CM/ECF filing, parties must continue to file their exhibits by starting a new filing. Parties will again select the “Motion Submitting” CM/ECF Activity when filing the next set of exhibits. The main document for a continued filing should

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Urgent Motion.

³ The maximum capacity of the U.S. Bankruptcy Court for the District of Puerto Rico CM/ECF System is 20 MB for a single filing.

be titled “Continued Exhibits of [Party Name]” and may include a list of the exhibits attached to that single filing.

- Note: It is normal (and expected) that a Party with 40 or more exhibits will file 3 or more “Motion(s) Submitting” to ensure all trial exhibits are docketed.

4. **Requests to Seal Certain Exhibits.** A party who has included an exhibit on their Amended Exhibit List that is subject to a sealing application **must file a placeholder for the exhibit, clearly marked as such.** The placeholder document can simply state “Exhibit Name, Exhibit Brief Description, Party [Name] will file a Motion to Seal regarding Exhibit [Letter].” The party must still select the exhibit letter corresponding to the exhibit and type in the text field “SEALED Exhibit [Letter].”

- When a party files motions to seal, parties **must select the CM/ECF designation “MOTION TO SEAL” or “URGENT MOTION TO SEAL.”** This is the only CM/ECF Designation that allows the Clerk’s Office to unseal the document at a later date. Failure to select the appropriate designation will result in a deficient filing notification and/or termination of the motion.

Parties who file an Amended Exhibit List **are still required** to complete and file an Exhibit Cover Sheet with their Pretrial Informative Motion, also due on **October 27, 2021.**

Parties can find a blank version of this standardized Exhibit Cover Sheet attached to the Procedures Order as Exhibit C. Once a party files its Amended Exhibit List with each exhibit uploaded, the party should use the docket entry numbers from its Amended Exhibit List to complete the column “Docket Entry No.” on the Exhibit Cover Sheet. The exhibits **do not** need to be attached to the Exhibit Cover Sheet. The following naming convention shall be used to complete the “Exhibit Identifier” column of the Exhibit Cover Sheet: party name **abbreviated** and sequential party-identified numbering (for the Oversight Board) or lettering (e.g., “FOMB 1,” “Suiza A,” “RTC A,” “AAFAF A,” “Mono A,” “DRA A,” “Hein A,” and “USB A”).

Finally, the DRA Parties’ Urgent Motion is DENIED. The DRA Parties are directed to comply with the above procedures to file exhibits to the docket. This Order resolves Docket Entry No. 18727 in Case No. 17-3283.

Counsel with questions regarding this Exhibit Procedures Order may email chambers at the following address swaindprcorresp@nysd.uscourts.gov.

SO ORDERED.

Dated: October 26, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge